

E-FILED on 7/16/13

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

TETSUYA JOE NOMURA,
Plaintiff,

v.

YOUTUBE, LLC.,
Defendant.

No. C-11-01208 HRL

**ORDER ON DEFENDANTS' MOTIONS
FOR EXTENSION OF TIME**

TETSUYA JOE NOMURA,
Plaintiff,

v.

AMAZON.COM, INC.,
Defendant.

No. C-11-01210 HRL

On July 10, 2013, defendants Amazon.com, Inc. and YouTube, LLC moved to extend the deadlines for: (1) designation of experts with reports (from August 1, 2013 to September 30, 2013); (2) designation of rebuttal experts with reports (from August 29, 2013 to October 28, 2013); and (3) expert discovery cutoff (from September 23, 2013 to November 22, 2013). No. 11-1208, Dkt. No.

1 114; No. 11-1210, Dkt. No. 118.¹ Defendants seek the extensions above based on their desire to
 2 avoid unnecessary expense preparing expert reports where: (1) they believe there is a high
 3 likelihood that Nomura will not retain experts²; and (2) the court could rule on "any one of
 4 [defendants'] dispositive motions" and dispose of the case before defendants' reports are due. Mot.
 5 for Extension 1, No. 11-1208, Dkt. No. 114. Nomura opposes the motions on the basis that
 6 defendants cited to unofficial deposition transcripts in their motions. Opp'n Br. 1, No. 11-1208,
 7 Dkt. No. 117. Nomura asks the court to adhere to the original scheduling order. *Id.*

8 Having considered the parties arguments, the court concludes that the proposed extension is
 9 appropriate if it permits the court to rule on defendants' case dispositive motions *prior to*
 10 defendants' newly proposed deadline for filing expert reports (September 30, 2013). Procedurally,
 11 this will save both parties the expense of preparing expert reports that ultimately may not be
 12 required for the resolution of the case. Neither party has indicated that it will rely on experts in this
 13 case. Accordingly, the court grants defendants' motions for extension on the condition that each
 14 defendant file its summary judgment motion to be noticed for a hearing on or before September 10,
 15 2013. This will give the court sufficient time to rule on each respective motion before the amended
 16 deadline for initial expert reports.

17 The court is uncertain as to what the defendants mean by "any one of [defendants']
 18 dispositive motions." The court sees no reason for each defendant to file more than one motion for
 19 summary judgment in its respective case. Each defendant should address any noninfringement and
 20 invalidity issues in the same motion.

21
 22 **IT IS SO ORDERED.**

23 Dated: July 16, 2013

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 HOWARD R. LLOYD
 UNITED STATES MAGISTRATE JUDGE

27 ¹Because the filings are identical except for the name of the defendant, the court
 28 hereinafter cites to the docket in Case No. 11-1208.

²Defendants cite unofficial deposition transcripts wherein Nomura states that he has
 not retained expert witnesses on liability or damages. Sinclair Decl. ¶ 4, Dkt No. 114, Ex. 1.